

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

May 7, 2014
6:00 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, Franco, Fogle, Schrader, and Genewick.

MAYOR'S UPDATE

RECESS

Recess for public input.

050714.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of April 23, 2014 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Resignation:

5/6/14 Norman D. Allen – Resigned as Director of Engineering / Public Works.
Resignation is effective May 24, 2014.
Received and filed

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments.
Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

5/7/14 Richelle J. Pasceri, City Clerk – Notification of bid proposals for the Demolition of 31 Elmwood Avenue which were received on May 2, 2014 as follows:

Regional Environmental Demolition Inc.	\$23,222.00
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Niagara Falls, NY
Niagara Environmental & Wrecking Inc. \$23,500.00
Buffalo, NY

Empire Dismantlement Corp. \$21,800.00
Grand Island, NY

The following bid proposal was rejected and returned due to it being received late:

Mark Cerrone Inc.
Niagara Falls, NY

Referred to the Committee of the Whole.

Notice of Defect:

4/21/14 Walnut Street (400 Block) – potholes
4/28/14 Corner of Pine & High Streets – potholes
4/28/14 Niagara Street (near railroad tracks) – potholes
4/29/14 Intersection of Beattie and Lincoln Avenues - potholes
4/29/14 237 Church Street – tree
Referred to the Director of Engineering.

Notice of Claim:

4/21/14 Chad Savage, 221 Lincoln Avenue, Lockport, NY
4/28/14 Michael J. Costello, 280 Pine Street, Lockport, NY
4/28/14 Joseph F. Weber, 5631 Leete Road, Lockport, NY
5/1/14 Melissa Junke –against- City of Lockport, “John Doe” being and intended to be
any unnamed individual(s) referenced herein as an agent, officer or
representative of the City of Lockport

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

050714.2

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on May 9, 2014 as follows:

General Fund	Account #001	\$372,055.14
Water Fund	Account #002	\$100,996.87
Sewer Fund	Account #003	\$ 74,692.21
Refuse Fund	Account #012	\$ 0
Payroll	Pay Date 5/1/14	\$546,769.80

Seconded by Alderman Franco and adopted. Ayes 6.

050714.3

By Alderman Genewick:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman Fogle and adopted. Ayes 6.

050714.4

By Alderman Kibler:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Judy L. Ritchie	25	Sr. Account Clerk
Joseph A. Morello	25	Asst. Fire Chief
Roy J. Gugliuzza	15	Heavy Equipment Operator

Seconded by Alderman Lombardi and adopted. Ayes 6.

050714.5

By Alderman Schrader:

Resolved, that pursuant to their request, permission is hereby granted to DeSales Catholic School to conduct their Annual DeSales Race for Fitness, a 5K run and a 1 mile fun run, on Saturday, May 10, 2014 beginning at 10:00 a.m. subject to approval of the race route by the Police Chief, and filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Engineering is hereby authorized and directed to arrange for delivery of barricades and street closed signs to the area prior to the event.

Seconded by Alderman Franco and adopted. Ayes 6.

050714.6

By Alderman Kibler:

Resolved, that pursuant to their request, the Midget A & B League is hereby granted permission to use the baseball field at Outwater Park for a summer baseball league subject to approval of the schedule by the Highways & Parks Department and Midget A & B League filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Fogle and adopted. Ayes 6.

050714.7

By Alderman Lombardi:

Resolved, that pursuant to their request, Lockport Main Street, Inc. is hereby granted permission to have a community market on Canal Street each Saturday beginning July 5th, 2014 and running thru September 27th, 2014, and be it further

Resolved, that the Highways & Parks Department is authorized and directed to arrange to deliver refuse containers to the area prior to the said dates.

Seconded by Alderman Genewick and adopted. Ayes 6.

050714.7A

By Alderman Schrader:

Resolved, that Resolution # 042314.11C is hereby amended and corrected as noted in bold:

Whereas, a water leak occurred in front of 61 Washington Street in the City of Lockport, and

Whereas, emergency repairs were completed by the City of Lockport Water Department, and

Whereas, funds were received from the homeowner to pay for repairs and deposited into account ~~002-0002-2700~~ **002-0002-2770**, now therefore be it

Resolved, that the 2014 budget be amended as follows:

Increase:

002-0002-2770	\$10,341.00
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002-8340-4722-0205	\$10,341.00
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Seconded by Alderman Kibler and adopted. Ayes 6.

050714.7B

By Alderman Kibler:

Resolved, that Jill M. Bunk, be and is hereby hired as Grants Administrator effective February 1, 2014, for a period of one year, and be it further

Resolved that the Grants Administrator receive a salary of \$25.00 per hour for an average of 15 hours per week in accordance with memorandum of agreement with CSEA.

Seconded by Alderman Schrader and adopted. Ayes 6.

050714.7C

By Alderman Genewick:

Resolved, that a public hearing be held at the Common Council Meeting of May 21, 2014 starting at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for a Special Use Permit for approval for an E-Cigarette store to be located at 343 Walnut Street, situated in a B-4 Zone, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman Lombardi and adopted. Ayes 6.

050714.7D WITHDRAWN – Call for Public Hearing for Local Law re: restoration of Superintendent of Streets to Charter

050714.7E

By Alderman Kibler:

RESOLUTION
AUTHORIZING TERMINATION OF LAND DISPOSITION AGREEMENT

WHEREAS, the City and George W. and Janet M. Bewley(collectively, "Developer") are parties to that certain Land Disposition Agreement dated May 18, 1965 (the "Agreement") referenced in a Deed (the "Deed") recorded in Liber 1455 of Deeds, page 19 in the Niagara County Clerk's Office, and

WHEREAS, the Developer planned to redevelop the real property encumbered by and described in the Deed (the "Property") as contemplated by the Agreement, and

WHEREAS, the intended redevelopment of the Property by Developer has occurred, and the City desires to terminate the Agreement.

NOW THEREFORE BE IT

RESOLVED, the City hereby terminates the Agreement in its entirety and declares it of no further force and effect whatsoever and the Agreement is hereby fully released as an encumbrance against the Property, and be it further

RESOLVED, that the Mayor be and is hereby authorized to execute a corresponding Termination of Land Disposition Agreement.

Seconded by Alderman Schrader and adopted. Ayes 6.

050714.11F

By Alderman Kibler:

RESOLUTION
AUTHORIZING TERMINATION OF CONTRACT
FOR SALE OF LAND FOR PRIVATE REDEVELOPMENT

WHEREAS, the City and McWethy Construction Incorporated, a New York Corporation ("Developer") are parties to that certain Contract for Sale of Land for Private Redevelopment dated April 5, 1979 (the "Agreement") and recorded in Liber 1674 of Deeds, page 1 in the Niagara County Clerk's Office, and

WHEREAS, the Developer planned to redevelop the real property encumbered by and described in the Agreement (the "Property") as contemplated by the Agreement, and

WHEREAS, that upon the redevelopment of the Property, the City agreed to sell the Property to Developer as set forth in the Agreement, and

WHEREAS, the intended redevelopment of the Property and sale of the Property to Developer has occurred, and the City desires to terminate the Agreement.

NOW THEREFORE BE IT

RESOLVED, that the City hereby terminates the Agreement in its entirety and declares it of no further force and effect whatsoever and the Agreement is hereby fully released as an encumbrance against the Property, and be it further

RESOLVED, that the Mayor be and is hereby authorized to execute the corresponding Termination Agreement.

Seconded by Alderman Franco and adopted. Ayes 6.

050714.8

ADJOURNMENT

At 6:14 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, May 21, 2014.

Seconded by Alderman Lombardi and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk